

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEVEN EDISON,

Plaintiff,

v.

SMITH COUNTY, TEXAS, et al.,

Defendants.

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Case No. 6:23-cv-512-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Steven Edison, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On February 20, 2024, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case with prejudice pursuant to 28 U.S.C. § 1915A(b). Docket No. 15. Plaintiff filed objections. Docket Nos. 18, 19.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


In his objections, Plaintiff states that he has only an eighth-grade education, that he provided all the evidence, and that he does not understand legal terminology or proceedings. Docket No. 18. These objections, construed liberally, amount to an objection that the Magistrate Judge dismissed Plaintiff's claims because, as a layman, Plaintiff did not adequately articulate a legally sufficient basis for his asserted claims. While pro se litigants are held to less stringent standards than lawyers, pro se litigants are not exempt from the requirement of alleging sufficient facts to state a plausible claim. *See Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (5th Cir. 2002); *see also Toole v. Peak*, 361 F. App'x 621, 621 (5th Cir. 2010) (explaining that a pro se litigant "still must actually argue something that is susceptible to liberal construction.").

Here, the Magistrate Judge carefully reviewed Plaintiff's initial pleadings, explained to Plaintiff that his factual allegations in his original pleading were insufficient to state a claim for relief, specifically identified the deficiencies of those claims, and provided Plaintiff an opportunity to amend. Docket No. 4. Even upon notice and an opportunity to amend, however, Plaintiff was unable to articulate a claim against Defendants that would entitle him to relief.

Having reviewed the pleadings and objections de novo, the Court agrees with the Magistrate Judge that Plaintiff's claims against Defendants should be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim. The

Court has therefore determined that the Report of the Magistrate Judge is correct and that Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 15) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief can be granted.

So **ORDERED** and **SIGNED** this **20th** day of **March, 2024**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE